

that comments may be submitted. After those comments are analyzed, a final FONSI may be issued. At the time of the Hudson application, the agency superintendent or area director was authorized to sign a final FONSI. Appeal from the FONSI is authorized by statute within a defined period after publication of the final FONSI.

Robert Jaeger, the Superintendent of the Great Lakes Agency of the MAO, was responsible for this review on the Hudson application. On June 20, 1994, Jaeger circulated a draft FONSI for public comment within 30 days. He based his findings on a study performed in 1988 in connection with the proposed dog track, which the Hudson applicants had submitted, with some supplementation, as their environmental assessment in compliance with NEPA.

The Minnesota tribes felt they were dealt a substantial blow by the MAO's issuance of its draft FONSI because it then appeared to them that the BIA Area Office might actually approve the application. The draft FONSI was widely circulated to all MIGA members, their attorneys and lobbyists. Notwithstanding the alarm set off by the draft FONSI, the Minnesota tribes again failed to submit any hard data to BIA to contradict its draft findings. Three days before the 30-day comment deadline, MIGA sent the MAO Director a two-paragraph letter challenging the draft findings and requesting a 60-day extension and a meeting. By letter dated Aug. 8, 1994, Jaeger denied the extension and refused the request to meet. The Aug. 8, 1994, letter denying these requests made it plain that the BIA was fully aware of MIGA's previous comments to the MAO and to Secretary Babbitt directly.

After reviewing comments received, Jaeger signed a final FONSI in September 1994. This conclusion of no significant impact was based largely on the fact that the proposed casino plan required relatively minor alterations to the existing dog track, roads and parking system,